THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.26996 of 2005

16th June 2006

Between:

State of A.P., rep.by its Secretary to Government, Municipal Administration & Urban Development Department, A.P.Secretariat, Hyderabad.

...PETITIONER

AND

Sri T.Appa Rao, Retired Special Grade Municipal Commissioner, D.No.5-66-199, 3rd Lane, Ashoknagar, Guntur.

...RESPONDENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.26996 of 2005

ORDER: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard the learned Government Pleader for Services I appearing on behalf of the petitioner and Sri J.R.Manohar Rao, the learned counsel appearing on behalf of the respondent.

At their request, the Writ Petition itself is taken up for disposal.

In this Writ Petition, the petitioner seeks to assail an *ad interim ex parte* order 27.09.2005 in O.A.No.5600 of 2005 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad ('the Tribunal' for brevity).

The main contention urged on behalf of the petitioner is that having regard to the impugned action, the question of any further direction to release the pensionary benefits is not sustainable.

The learned counsel appearing on behalf of the respondent submits that no counter affidavit has been filed so far and therefore, the petitioner cannot agitate the same on merits by way of a Writ Petition.

Having heard on either side and on perusal of the material available on record, we are of the considered opinion that the petitioner can as well file proper application along with counter affidavit seeking the stay to be vacated and the same can be considered on merits.

In view of the same, the Writ Petition is disposed of permitting the petitioner to file counter affidavit along with vacate stay application within two weeks from today. The Tribunal shall dispose of the same on merits within a period of four weeks thereafter. It is needless to mention that the interim order granted by this Court dated 20.12.2005 to the extent of suspending the order of the Tribunal giving *e x* parte mandatory direction, will remain till the disposal of the application for vacation of stay to be filed by the petitioner. No costs.

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(B.PRAKASH RAO, J)

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(RAMESH RANGANATHAN, J)

16th June 2006
RRB

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